IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Bail Appl..No. 7262 of 2007()

CRMP.1316/2007 of J.M.F.C.,CHALAKUDY
CRIME NO.321/07 OF MALA POLICE STATION IN THRISSUR.

.....

PETITIONER/1ST ACCUSED

INASEN, AGED 32, S/O LONAPPAN,
PANIKULANGARA HOUSE, ANNAMANDA,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE/COMPLAINANT

THE STATE OF KERALA, REP. BY THE
SUB INSPECTOR OF POLICE, MALA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 7262 of 2007

- -

Dated this the 28th day of November, 2007

O R D E R

Application for regular bail. The petitioner is the first accused. The wife of the petitioner met with an unnatural death. The petitioner had earlier come before this Court with a prayer for anticipatory bail. As per order dt.25.10.2007 in B.A.No. 6353 of 2007 that prayer was dismissed. In connection with that bail application, I have gone through the case diary in detail. Facts have been adverted to in detail in that order. This order must be read in continuation of that order. I am not hence adverting to facts in any greater detail in this order.

2. After rejection of the prayer for anticipatory bail, the petitioner appears to have surrendered before the learned Magistrate on 14.11.2007. He continues in custody from that date. In the meantime he was handed over to the police custody and the police were given opportunity to interrogate the petitioner. There are two accused persons. The second accused

is the mother of the petitioner. She had also come before this Court for anticipatory bail along with the petitioner. I have, in the order referred above, adverted to the alleged role of the mother also. She is even now absconding and has not surrendered before the Investigating Officer or the learned Magistrate.

3. The learned counsel for the petitioner submits that there is no purpose to be achieved by the continued detention of the petitioner. He may, in these circumstances, be released on bail. The learned counsel further points out that the police who have been given custody of the accused has not asked for any further custody of the petitioner.

4. The learned Prosecutor opposes the application. He submits that the investigation is not complete. Without and before the co-accused is apprehended effective investigation cannot be completed. In any view of the matter, the petitioner may not be granted regular bail at this stage.

5. The father of the deceased has also come before this Court with a petition for impleadment as additional respondent. I have heard the learned counsel for the father of the deceased. Formal

impleadment is not found to be necessary. The learned counsel supports the learned Prosecutor in his opposition for grant of bail.

6. Having considered all the relevant inputs, I find merit in the opposition by the learned Prosecutor. I am satisfied that at this early stage of investigation, the petitioner is not entitled to be released on bail. The Investigators, in a serious crime like this, must be given sufficient time to complete the investigation.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation, not at any rate, prior to 12.12.2007. The Investigators shall, in the meantime, make every endeavour to arrest the co-accused and complete the investigation.

(R. BASANT)
Judge

tm